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June 28, 2021

VIA ECF

The Hon. Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *The Export-Import Bank of the Republic of China v. Republic of the Congo*,
Case No. 16-cv-4480 (JMF)

Dear Judge Furman:

We represent the Export Import Bank of the Republic of China ("Ex-Im Bank"), judgment creditor in this matter.

On October 29, 2020, this Court issued its opinion and order granting Ex-Im Bank's motion for sanctions (ECF No. 64; the "Order"). In the Order, the Court directed Ex-Im Bank to file a status letter with this Court every two months describing what sanctions had accrued, providing information on any contact or communications with the Democratic Republic of the Congo ("the DRC") regarding the dispute, and stating whether Ex-Im Bank believed that the sanctions ordered should be revisited or modified.

This letter is the status letter required for June 28, 2021. The next status letter will be submitted on Monday, August 30, 2021.

As the Court will recall, the DRC has been represented in this matter by Benita Kindongo, Esq., a lawyer in Paris. Following the submission of the April 28 status letter, we made sure that the status letter was provided to her and to the responsible officials of the new Government of the DRC, and we continued our dialogue with Ms. Kindongo.

Ms. Kindongo has had direct communications with the new Minister of Justice, and she has indicated a continued desire on the part of the Government to reach a settlement. Unfortunately, there has been no real progress toward that end. Ms. Kindongo has been attempting to set up a Zoom meeting between counsel for the Bank and highly placed principals of the Government, but has yet to achieve a schedule.

These tentative, start and stop discussions with several Governments of the DRC have gone on for a long time (for example, it has been about 14 months since we began our communications with Ms. Kindongo). The present sanctions regime does not seem to be sufficient to focus the Government and obtain respect for this Court's orders and procedures.

Perhaps our next status letter will have real progress to report. If it does not, then, after further consultation with our client, we will be seeking additional remedies from this Court, and, in

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addition, initiating further asset collection procedures pursuant to the Foreign Sovereign Immunities Act.

As of our April 28, 2021 letter, sanctions stood at \$979,972, and had begun to cumulate at their maximum rate of \$11,428 per day. Sixty days have passed, for an additional \$685,680 in sanctions. Thus, as of today, sanctions total \$1,665,652.

At this time, Ex-Im Bank seeks no change to the terms of the Order.

We shall report once again on August 30, 2021, or sooner, if there are developments of any significance.

As always, of course, we stand ready to provide any further information that the court may desire.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'PS' followed by a long, sweeping horizontal line.

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cc: Benita Kindongo, Esq.